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UNCLAS SECTION 01 OF 02 LIMA 002132

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SENSITIVE

DRL FOR CNEWLING, KCUMBERLAND

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TAGS: PHUM PGOV KPAO PE

SUBJECT: FUROR CONTINUES IN SALLY BOWEN CASE

REF: LIMA 2074

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Summary:

1. (U) British journalist Sally Bowen may have been convicted for defamation in a Peruvian court, but her cause continues to gain converts and momentum in the court of public opinion. Bowen found herself bolstered from support by a variety of sources over the weekend, including: the British and U.S. Ambassadors, two GOP Ministers, the President of the Congress, the OAS Rapporteur for Press Freedom, the Head of the Peruvian Prison System (INPE), and press associations and fellow journalists. Rather than muzzling Bowen, Judge Catacora's decision, which the Judge himself could not coherently explain in a meeting with the press on 5/6, has fired up press freedom advocates, critics of the Justice System and those opposed to narcotrafficking. End Summary.

British/US Ambassadors Weigh In

2. (U) Statements on Bowen's behalf by the British and U.S. Ambassadors on 5/5 received wide coverage. Lima major daily "El Comercio" quoted Ambassador Struble, who questioned how Bowen could be sued for libel in the Zevallos case when Zevallos himself had figured in the famous "Kingpin List" of global narcotraffickers issued by the U.S. Government in 2004. Likewise, British Ambassador Richard Ralph expressed his "surprise and worry" over the implications of the Bowen decision. The Rapporteur for Press Freedom at the OAS, Eduardo Berton, reportedly has written to both Foreign Minister Manuel Rodriguez and to Sally Bowen expressing his concern over this case.

3. (U) Foreign dignitaries were not the only officials to express shock at the decision, which was also rejected by Justice Minister Eduardo Salhuana, Labor Minister Juan Sheput, and Congress President Antero Flores-Araoz. Salhuana, in particular, said that the judge in the case "had committed an error" and expressed his hope that this would be corrected on appeal.

Journalists Take to the Street

4. (U) Journalists organized two protests, the main one in front of the Justice Ministry, on 5/6. The list of attendees read like a who's who from Peruvian media, press and cultural worlds, including notable journalists/columnists Alejandro Miro Quesada Cisneros, Gustavo Gorriti, and Mirko Lauer as well as former Interior Minister Fernando Rospigliosi, and Peruvian artist and Fulbrighter Fernando de Szyszlo.

Bowen's Best Ally: Judge Catacora

5. (U) Judge Catacora has been Bowen's most effective ally in the debate so far. His attempts to justify his decision to the press on 5/6 backfired. The judge was forced to concede that he had no "substantial evidence" against Bowen. Instead, he said, his decision represented his "personal opinion" in a highly unusual case and that it should not have implications for press freedom. The judge confessed that he found against Bowen because she could not produce documentation of the prison visit where she said she had met an informant who had fingered Zevallos. That same day, the Head of the Peruvian Prison system (INPE) announced that the log for the prison in question had been doctored, backing up Bowen's account during the trial proceedings that a page was missing in the logbook when she returned to check the date of her interview. INPE's investigation continues.

6. (U) The press, not surprisingly, has started to dig into

Judge Catacora's record. When the judge said that he had not had much time to render the decision in the Bowen case, "Peru 21" revealed that he has held it for over a year. Daily "Correo" reported that not only did Judge Catacora lack previous experience in penal cases when he was named as a criminal judge, but that in his original appointment to his present position, he had not received sufficient points on his exam to qualify.

17. (U) Meanwhile, the Office of Judicial Control (OCMA), which investigates allegations of misconduct by judges, has announced that it is opening an investigation into possible prejudicial conduct by Judge Catacora. The judge was captured on videotape during an appearance some months ago discussing the Bowen case and highlighting what he considered weaknesses in the journalists' arguments while the matter was still being heard before him.

Comment:

18. (SBU) The Bowen case has justifiably become a cause celebre for press freedom. Any political mileage that narco-kingpin Fernando Zevallos may have hoped to get from Bowen's "conviction" for defamation has been swamped by the protests against this obviously unjustifiable decision. Left unsaid in the criticism of Judge Catacora is the implicit recognition that he was paid off by Zevallos. End Comment.
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